

**Draft MINUTES
ENERGY FACILITY SITE EVALUATION COUNCIL
OF WASHINGTON**

September 8, 2003 - Regular Meeting
4224 6th Avenue S.E., Building 1
Lacey, Washington - 1:30 p.m.

ITEM 1: CALL TO ORDER

CHAIR LUCE: The regular meeting of the Energy Facility Site Evaluation Council for September 8, 2003 will come to order. Mike, would you please read the roll.
MR. MILLS: Yes.

ITEM 2: ROLL CALL

EFSEC Council Members
Community, Trade & Economic Development
Department of Ecology
Department of Fish & Wildlife
Department of Natural Resources
Utilities and Transportation Commission
Chair

Richard Fryhling
Charles Carelli
Chris Smith Towne
Tony Ifie
Tim Sweeney
Jim Luce

OTHERS IN ATTENDANCE

EFSEC STAFF AND COUNSEL

Allen Fiksdal
Mariah Laamb
Ann Essko – AAG

Mike Mills
Irina Makarow
Shaun Linse - Court Reporter

EFSEC GUESTS

Karen McGaffey-Perkins Coie
John Arbuckle, Energy Northwest
Mark Anderson, CTED
Bill LaBorde-NW Energy Coalition
Darryl Peeples – Kittitas Valley Wind Project
Alan Harger, DOT

Duncan McCaig, Tractebel
Kirk Deal – PNWRCC
Cindy Custer-BPA
Mike Lufkin, CFE
Craig Poremba, ENRS

NO. ITEM 3: APPROVAL OF MINUTES

CHAIR LUCE: The next item is the approval of minutes, July 14 and August 11, 2003. Council Members had an opportunity to review the minutes? Are there any changes, corrections,

additions, deletions to those minutes? Hearing none, the minutes are approved unless a motion is required.

MR. FIKSDAL: In most cases the Council has a motion.

CHAIR LUCE: All right. We'll do that by a motion. Do I have a motion?

MR. FRYHLING: I would so move.

CHAIR LUCE: Do I have a second?

MS. TOWNE: Second.

CHAIR LUCE: Any discussion on the motion or the second?

MR. FRYHLING: Call for the question.

CHAIR LUCE: Question has been called for. All in favor of approval of the minutes signify by saying say aye.

COUNCIL MEMBERS: Aye.

CHAIR LUCE: The minutes are approved.

ITEM NO. 4: ADOPTION OF THE PROPOSED AGENDA

CHAIR LUCE: Council had an opportunity to look at the proposed agenda? Are there any additions or corrections to the proposed agenda? I note the presence of Council Member Tony Ifie who is now joining us, and I will have one addition to the proposed agenda which I will leave to the end of our meeting agenda that will concern the calling of a special meeting of the Council next Monday. The first item on the agenda is Sumas Energy 2.

ITEM NO. 5: SUMAS ENERGY 2

<i>Receipt of Air Emission Offset Plan</i>	<i>Allen Fiksdal, EFSEC Manager</i>
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CHAIR LUCE: Sumas Energy 2 receipt of the air emissions offset plan. I think we heard about this at our executive session and had a chance to examine it. It's set for an action item. Allen, do you have a report?

MR. FIKSDAL: I just want to remind you, you did discuss this at the executive committee meeting. Sumas Energy 2, Inc., filed a plan with the Council as required for by the site certification agreement for the Sumas Energy 2 project. I think the next action is for the Council to acknowledge that they did file the plan, and we take it under consideration. That would be the staff's recommendation that you take that action today.

CHAIR LUCE: So we are taking action on -- how would you state this in the form of a motion? Taking under consideration?

MR. FIKSDAL: Yes. That you have acknowledged receipt and taken it under consideration.

CHAIR LUCE: Do I hear a motion along those lines?

MR. IFIE: So move.

MR. FRYHLING: Second.

CHAIR LUCE: There has been a motion and a second for acknowledging receipt of the air emissions offset plan and taking it under consideration. Is there discussion on this motion?

MR. CARELLI: I have a question. When will Council take up discussion on this? Do we have plan or are there any commitments that we need to meet?

MR. FIKSDAL: I don't believe there are. It's the site certification agreement which cited in the plan says the Council will receive the plan and approve it at sometime. I think you heard in your discussions at the executive committee meeting there are some certain circumstances with the project, particularly with the National Energy Board in their review of the Canadian section of the transmission line. That process isn't completed, and there are in the plans Sumas Energy notes that they will come back to the Council with additional information once that process is completed. So I would recommend that the Council wait until that time and see what the company does.

CHAIR LUCE: Thank you. Would you recommend a letter to the National Energy Board requesting that they move expeditiously, so we could do so?

MR. FIKSDAL: That would be up to the Council to decide. I'll punt on that one.

CHAIR LUCE: I suppose given the fact there are two sovereigns here it might not be the best idea. Just a thought. All right. Counsel, do you have some advice on that? I'm being facetious here. All right. Call for the question has been made. All in favor say aye.

COUNCIL MEMBERS: Aye.

CHAIR LUCE: All right. The plan has been received, and we will await action by the National Energy Board.

ITEM NO. 6: ENERGY NORTHWEST PROJECTS

1. Columbia Generating Station

<i>Operations</i>	<i>John Arbuckle, Energy Northwest</i>
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CHAIR LUCE: The next item is an information item. Operations of the Columbia Generation Station, John.

MR. ARBUCKLE: Well, Columbia is on line for 67 days at 100 percent power, and that's all I have for that. The plant is running good.

CHAIR LUCE: A long way for a short report.

MR. ARBUCKLE: Well, we've got one more thing to do here.

CHAIR LUCE: All right. All right. Thank you very much. What else do you have before us?

<i>Wastewater Disposal</i>	<i>Mike Mills, EFSEC Staff</i>
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MR. ARBUCKLE: We're also requesting Council approve our plan to dispose of water in the WPN-1 Spray Pond from the condenser cleaning project. We had really low copper concentrations, so we are requesting disposal directly to ground, and we've also submitted an application with Ecology for a one-time and very specific discharge permit, and we expect approval on that on Wednesday.

CHAIR LUCE: Thank you. Staff, do you have any questions or a report on that?

MR. MILLS: Yes. In your packets there's a Draft Resolution No. 307 titled Energy Northwest Disposal Water, and I've added the word "Stored in WNP-1 and WNP-4 Service Water Pond". As John indicated they have submitted a plan for disposing of the water that was piped over to the WNP-1 Spray Pond. We have been working, staff has been working with the Department of Ecology in processing and looking at their plan, and it is our understanding the Department of Ecology will approve the state waste discharge permit for a one-time limited duration Hanford specific discharge to ground, and we expect that approval to be this week. The resolution recites some of the background and indicates the requirements in Council adopting the resolution would

be that Energy Northwest would be allowed to dispose of the wastewater currently stored in the pond directly to the soil either by spray irrigation on previously disturbed ground in the vicinity of the pond or by piping it to a former borrow pit in an east central area of the site. Application of the water to the soil is estimated at a pumping rate of between 200 to 500 gallons per minute. The rate would be varied to avoid soil erosion. Sampling of the pond, and here I would add the word "soil" and then continue water will be done in accordance with the reference sampling analysis plan. And the second condition recognizes the work that we've been doing with Ecology. This resolution is contingent on Department of Ecology approval of Energy Northwest application for a state waste discharge permit and the requirements contained therein for a one-time limited duration Hanford specific discharge to ground of the wastewater stored in the ponds. Pursuant to the time frame specified in the application the duration of the one-time discharge would be from September 9 to November 9, 2003 with the understanding that any extension may be requested. Here I would add the words through Department of Ecology/EFSEC if additional time is required to complete the discharge. The resolution part of the resolution would read: The Council hereby closes Resolution 306 and authorizes approval of Resolution 307 covering the disposal wastewater that resulted from the steam condenser scale removal process for Columbia Generating Station as described in the attached and in place of the letter I would use documents and above conditions.

CHAIR LUCE: Thank you.

MR. MILLS: Our recommendation is the Council would approve Resolution 307 with the changes I have noted.

CHAIR LUCE: Council questions? Yes, sir, Mr. Carelli.

MR. CARELLI: Mike, are we going to have somebody on site to witness part of the discharge and examine or determine if there is any surface flooding or ponding for any period of time or if there is any erosion taking place?

MR. ARBUCKLE: Ecology will be there for at least the initial piece to look at the setup and get an idea of exactly what we're doing. We're going to sprinkle the ground at WNP-4 and then go in and we'll put it to a borrow. We will probably in all honesty do about 200 gpm. We don't expect ponding, but Ecology will definitely be out there for the initial setup to look at it.

MR. CARELLI: Okay. Thank you.

MR. MILLS: I have a site visit scheduled for this Wednesday, and I'll have a chance to meet with Jeff Ayres from the Kennewick office, and we'll set up a schedule for staff to also participate in that. There's also some sample requirements.

MR. ARBUCKLE: We're going to do pre- and post-discharge soil sample for copper and also a pre-discharge water sample for copper.

MR. MILLS: So that's a good comment. We will participate.

MS. TOWNE: Mike, I note in No. 2 that the discharge will commence tomorrow. Has that been delayed?

MR. ARBUCKLE: Yes. We will probably start at the earliest once we get approval from Ecology probably next week is what we're planning on doing.

MR. MILLS: With the Council's permission, we would change that date based upon when we see the Department of Ecology approval, but the draft I signed those were the dates that were on there.

MR. ARBUCKLE: That will probably be the date that's in the actual approval letter from Ecology because we had to give a date, and we were trying to tie it with the Council meeting here. But we just didn't get our plans in place to actually do the sprinkling. The pumping is

easy, but we have to go lay some pipe and hang some sprinklers and stuff like that for the WNP-4 side.

MR. MILLS: And that date would change based on what the Department of Ecology does.

MR. ARBUCKLE: I think we're going to be okay, but we calculated at about 200 gpm would take about 45 days.

CHAIR LUCE: Any other questions from Council Members? Do we have a motion?

MR. CARELLI: Mr. Chair, I would move that the Council approve Resolution 307, including I believe it was three and then the last change in the date four amendments that Mike offered as he read the resolution.

CHAIR LUCE: A motion has been offered. Do we have a second for the motion?

MR. FRYHLING: I will second that.

CHAIR LUCE: We have a motion and second. Do we have discussion among the Council Members?

MR. CARELLI: Question.

CHAIR LUCE: The question has been called for. All in favor say aye.

COUNCIL MEMBERS: Aye.

CHAIR LUCE: Thank you very much.

MR. ARBUCKLE: We do appreciate it.

MR. MILLS: For the record, I would like to note the cooperation we received from the Department of Ecology Kennewick Office, in particular Jeff Ayres and Kathy Conaway.

2. WNP-1/4

<i>Site Restoration</i>	<i>Jim Luce, EFSEC Chair</i>
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CHAIR LUCE: Thank you, Mr. Mills. Cooperation has been noted. The next item on the agenda is WNP-1 and 4 site restoration. My understanding is that a signing ceremony of some sort will be set up in the not too distant future. I don't know if our friends from Bonneville have anything to add to that or not.

MS. CUSTER: We are going to talk later today after this meeting.

CHAIR LUCE: After the meeting today. Timely.

MS. CUSTER: I try.

CHAIR LUCE: All right, that's good.

ITEM NO. 7: KITTITAS VALLEY WIND POWER PROJECT

<i>Progress Report</i>	<i>Irina Makarow, EFSEC Staff</i>
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CHAIR LUCE: The next item on the agenda is the Kittitas Valley Wind Project. Irina, progress report.

MS. MAKAROW: A quick progress report. On the adjudication side the Council did receive a consolidated issues list from Counsel for the Environment. At this point I think the Council should probably wait to act on that list until the Draft EIS is issued, and then the Council at the next prehearing conference can probably proceed to further define issues. I believe that Council Members Fryhling and Ifie are still in the process of considering the motion for disqualification that was entered by Steven Lathrop. With regards to the Draft EIS, the administrative review draft of that document was distributed to Council Members, and we are expecting your comments back by Tuesday evening at the latest. And with regards to schedule, issuance of the

Draft EIS I believe at the last meeting I had mentioned that we are aiming for very early October. At this point it appears that that schedule will be delayed somewhat. The County, as you know, is proceeding through its own decision making process with regards to the land use consistency issues, and for their purposes they feel that a reasonable alternatives analysis would be of great value to them if it was included in the Draft EIS. So between EFSEC, the County, and the Applicant we are working to get the required information for that analysis to be included in the Draft EIS. Of course, that means that there would be some modification to the administrative review draft that we have already, and we're expecting to be able to pin down the schedule better this week. And as soon as we do that, we will let Council Members know as expeditiously as possible.

CHAIR LUCE: Thank you. Do appreciate it. It sounds to me like it would be valuable information to have before we go out. We're going to need it anyway sooner or later, better sooner than later.

ITEM NO. 8: BP CHERRY POINT PROJECT

<i>Progress Report</i>	<i>Irina Makarow, EFSEC Staff</i>
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CHAIR LUCE: BP Cherry Point.

MS. MAKAROW: Well, the Draft EIS for BP Cherry Point was issued by EFSEC on Friday [September 5, 2003]. It was entered into the SEPA register also on Friday [September 5, 2003]. Unfortunately the filing in Washington, D.C., did not work the way it was planned, and it will only be filed with EPA in Washington next Friday, which means that the official start of the NEPA comment period will be delayed by a week. Bonneville Power is still looking at what that means for the end of the comment period, whether that will have to be pushed out a week or not. With regard to the public comment meeting on the Draft EIS, which was noticed at the same time as the availability of the Draft EIS, and we do have copies of those notices in your packets, that has been scheduled for October 1 in Blaine, Washington, and that will continue to work with Bonneville, so we do not have to change that public meeting. That will work. Of course, there's the adjudicative schedule that is keyed off of that issuance of the Draft EIS, and I believe we went through the details of those dates at the last meeting. So the next thing that is going to happen is going to be the Applicant is going to be submitting their prefiled testimony on the 19th of September. Also pending with regard to this project is the UTC motion to withdraw, and we will be, Council staff will be, issuing a letter to all the parties requesting if that any of those parties have responses to that motion, that they be submitted within approximately a week, and at that point in time the Council will be able to act on that motion. And that is all that I have to report.

CHAIR LUCE: Thank you.

ITEM NO. 9: WILD HORSE WIND POWER PROJECT

<i>Progress Report</i>	<i>Irina Makarow, EFSEC Staff</i>
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CHAIR LUCE: Wild Horse Wind.

MS. MAKAROW: The criteria document for the Wild Horse Wind will be finalized this Friday, and that is the document that is being prepared for the Applicant; that they know exactly to what

level of detail and what issues they must respond to produce an application which contains all the information the Council needs to both review it and to produce an Environmental Impact Statement. And later this month a potential site study report will also be prepared by Jones and Stokes, so that work is moving along quite well at this point in time, and that is all I have to report.

CHAIR LUCE: Good news.

ITEM NO. 10: CHEHALIS GENERATION FACILITY

<i>Construction Progress Report</i>	<i>Duncan McCaig, Tractebel</i>
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CHAIR LUCE: Chehalis Generation Facility construction progress report. I think Tom is no longer here, but –

MR. McCAIG: Actually Tom is still here.

CHAIR LUCE: Is he really?

MR. McCAIG: I'm Duncan McCaig, plant manager for the Chehalis Generating Facility, and Tom Schneider, our site manager, I think will still be here with us for another month I hope.

CHAIR LUCE: Okay.

MR. McCAIG: So the project achieved provisional acceptance on the 6th of August last month, and that was a result of passing performance tests. Since then we have been conducting emissions tests on the plant. We're presently concluding a 7-day reliability test as well. As far as the safety there were no recordable safety incidents for the month of August. We have no environmental instance to report. Personnel on site, we have our 23 Tractebel employees plus now only 23 contractor employees as well, plus 8 subcontractors for a total of 54 people on site. Engineering and procurement is generally complete, and the general contractor at the moment is demobilizing. The remaining contractor employees are making slight modification repairs, adding insulation, some sound insulation, and painting. But most of that is complete. So the contractor is working on their final punch list. The pending activities that we have for next month are to complete the construction punch list at least by the end of October and to complete the continuous emissions monitoring or CEMs relative accuracy or RATA testing. That's a 7-day carbon dioxide RIF test by the week of September 15. Generally the CEMs certification and RATA testing has been completed over the past three weeks, and our understanding is that those tests have been completed satisfactorily. We continue to work on the noise issue, and we have needed work, work that we need to do to abate the noise and reduce the noise. This we're doing through the general contractor and its equipment manufacturers and suppliers. On the area of noise I think the operation that we have had over the past month continues to point to the fact that we have work to do on reducing noise, especially during start-up. The plant continues to be relatively quiet during normal operation, but when we're starting up we have the need to pull a vacuum. It's a device called the hogger which pulls air out of the air-cooled condenser. We need to reduce the noise on that. We have external drainage tanks that create quite a bit of noise, and we are working to reduce the noise on that by first we've insulated the tank and the piping. Now we're experimenting with sprays in the tank or a spray which has reduced the noise by 5 dBA, and we're installing another spray to further reduce that noise. We are also looking at putting a silencer on that unit as well. We are trying to attack that problem from multiple paths. We have invited the water manufacturer out to spend time with us and discuss the noise issue. That's Doosan from Korea. We expect them on the 17th, and we are planning to bring our noise

consultant in at that time with specific recommendations to consult with Doosan. We need to reduce the noise on the silencers; however, it involves adding additional silencers which involves pressures in the boiler and structure requirements on top of the boiler, so we are bringing the two parties together. In addition, we are looking seriously at putting silencers on blowdown vents, and we have released a subcontractor to install an enclosure around our water feed water pumps. Water feed water pumps don't have the highest levels of noise, but they do operate all the time the plant is in operation, and so we feel that this will be a significant benefit mainly during normal operation but also will as one of the features, one of the noise sources that can be reduced during start-up as well. We are also continuing to tune equipment. That means adjusting valves to operate properly, and in particular we've had some difficulty with our fuel oil system which is used as a backup, and so we've been replacing some components. And last week concluded some additional fuel switching on that as well for reliability. So that's generally what I have to report.

CHAIR LUCE: Thank you. Council Members questions? Staff, do you have any questions?

MR. FIKSDAL: I have a question. When you first mentioned provisional acceptance is Tractebel accepting the equipment from the contractor? Is that what that means?

MR. McCAIG: Provisional acceptance is an important step in the completion of the project. It means that the contractor -- we agree the contractor has passed the performance tests, and it's a point at which we take care of custody and control from the contractor. The next step then in our contract is to complete the reliability test, which we hope to do in a few days, and then there will be a final completion when all of the contractual provisions are met but most importantly completion of the punch list. And for us very high on the punch list is the noise issue so.

MR. FIKSDAL: Thank you.

MR. CARELLI: Question, Duncan.

MR. McCAIG: Yes.

MR. CARELLI: The noise issue continues. How much noise or how much excess noise or noise over the standard level are we talking about? How many dBA is involved on just a round number?

MR. McCAIG: If we use the 70 dBA as a gauge at the property line, we have at times experienced noise levels that are 80 to 85 dBA at that point, in particular where we have an upset during start-up. I think during at the time of the steam blows where we were cleaning the piping we had some period where noise levels were higher than that as well. But generally 80 to 85 is the highest that we've seen at the critical location which is on the east property line. So the east property line is the closest location to all of the vents that are up in the air. It's closest to the water feed water pumps that are going to be put into an enclosure. Those, again, are not during normal operation. It's during an upset or an upset during start-up.

CHAIR LUCE: What is the dBA during normal operation?

MR. McCAIG: Dba during normal operation at that critical location which is the highest is generally slightly below 65 dBA.

CHAIR LUCE: Is that within the regulatory permitted?

MR. McCAIG: That's my understanding, right.

CHAIR LUCE: How long does the start-up as you described it last? I mean if you're going to 80 or 85, what is the period of time during which this upset could last?

MR. McCAIG: That kind of noise level is one that we try to bring under control by closing down the steam vents and adjusting steam flows, so I would say about 15 minutes is typically the longest that that should occur.

CHAIR LUCE: How often? Does it happen on a daily basis, a weekly basis, an hourly basis? What's the time frame involved here?

MR. McCAIG: Probably it would generally be greater than a week. I would say one to two weeks. Now last week we had several upsets on Thursday, so I believe it occurred on Thursday. But I don't believe that -- let's see. We did some testing on the weekend as well, so I think we got some noise levels that were in the 75 to 80 degree dBa range on the weekend.

CHAIR LUCE: This is during testing. Would this be normal during regular operation when the plant is running?

MR. McCAIG: No. No, it would not. Generally during normal operation we would see less than 65. During a normal start-up we should see somewhere between 70 and 75 dBa during normal start-up.

CHAIR LUCE: Is that given the current equipment or after the equipment has been modified with additional sound installation?

MR. McCAIG: That's given the current equipment. We're not satisfied with those levels, and our goal is to bring the level during start-up down to a level that is very close to or comparable to our normal operator levels, at least to 70 dBa. That's our goal.

CHAIR LUCE: Thank you. Any other questions from Council Members?

MR. McCAIG: Thank you.

CHAIR LUCE: Thank you.

ITEM NO. 11: SATSOP GENERATION FACILITY

<i>Progress Report/NPDES Permit</i>	<i>Mike Mills, EFSEC Staff</i>
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CHAIR LUCE: It looks to me like it's time for Satsop.

MR. MILLS: Laura Schinnell will not be giving their report today but did send me an e-mail. Satsop continues with maintenance of the project. The C-1 pond renovation is scheduled to start Wednesday, September 10, and be completed September 30 weather permitting. I'd also advise the Council that today we issued a tentative determination to modify the pollutant discharge permit for the Satsop project, and we're making public notice. There's a 30-day public comment period that's involved. We hope to bring permanent modification back to the Council at your October meeting, and we've scheduled a public meeting with the comment meeting during the regular October Council meeting to accept any public comments.

CHAIR LUCE: Thank you.

MS. TOWNE: Do we have a copy of that, Mike?

MR. MILLS: No, you don't. We are in the process of putting it together, and each Council Member will receive a copy directly. There will be a draft permit and a facts sheet that will include the notice that we sent out, so you will have the complete package.

CHAIR LUCE: Thank you. Anything else?

MR. MILLS: No.

ITEM NO. 12: EFSEC RULES

<i>Topic Discussion</i>	<i>Jim Luce, EFSEC Chair</i>
CHAIR LUCE: The next item on the agenda is EFSEC rules topic discussion. Might as well start at the top. CO2 rule. Council Members have received a draft rule by e-mail last week and request for comments as early as possible. We met this morning with Council Member Chris Towne who had comments. Tony, we've gotten your comments. Appreciate that very much. Maybe you will have a chance to sit down with Chuck or Tim or myself this week and walk through those comments or with Allen, so we can better understand what your comments are and make changes as appropriate. Dick Fryhling, I haven't seen any comments from you.	
MR. FRYHLING: It will be by Wednesday.	
CHAIR LUCE: Okay. Tim, you were part of that subcommittee that put that together, so if you have any comments. I don't have any comments, so I think we are very close to having a final draft rule with respect to CO2. EIS format, Chuck, I think you sent that out.	
MR. CARELLI: That was sent out –	
CHAIR LUCE: Somebody sent it out.	
MR. CARELLI: I believe it was sent out last week and there should be a copy in the packet. I believe it's a pink sheet, and EIS format I suppose is maybe a misnomer. What this proposal does is take the Council and staff off the hook I suppose, giving us leisure of not having to revise the current rule pertaining to the content of an application for a site certification. Allen and Mr. Peebles and others have started work on that. I got into it, and I think others have looked at it, and we've all kind of thrown up our hands. It's just too much. So what we propose as an alternative is essentially a waiver, and that waiver would be a waiver of the existing application requirement rule if an Applicant is willing to pursue a potential site study and develop a criteria document for their specific project. This is the process that is currently being used for the Wild Horse Wind Project. Schedule wise it seems to be moving pretty fast and giving the Applicant we believe what they will need, so that they can produce an application that is based on this criteria document that will be provided to them. So what our proposed rule is going to be is that if you're willing to do a potential site study and develop a criteria document, the application guidelines requirement will be waived in favor of the contents of the criteria document. This will give the Applicant a very specific set of criteria for their type of project rather than a generic set of requirements that could address everything from an oil refinery, to a combustion turbine, to a wind power project, or a pipeline. If persons aren't willing to develop the potential site, then they would need to go through the existing application requirements, and we believe that would be more onerous, a more difficult process for an applicant. So with that explanation, I would suggest that the potential study rule that you have before you is ready to be posted to our website unless somebody has comments or needs additional clarification at this time.	
CHAIR LUCE: I would agree. Does anyone have any objection to posting that at the website? Fine. So consider it to be posted at the website. Severability. I have sent out severability previously. It's a very simple rule. I also would propose that be posted to the website. It simply states if any provision of this WAC chapter or its application to any person or circumstance is held to be invalid, the remainder of this chapter shall not be affected. As I have said, this is not always found in rules, and courts aren't bound by severability clauses. And we're going out for public comment, so in the end we may change our mind and not even have a severability clause, but at least going out I would like to put one in. So I would propose that that be posted to the	

website at this time. Does anyone have any objection to that? All right. I would ask that that be posted to the website.

MR. FIKSDAL: Oh, I'm sorry. You're discussing which one?

CHAIR LUCE: Severability.

MR. FIKSDAL: Okay. Thank you.

CHAIR LUCE: Hello?

MR. FIKSDAL: We were having an important discussion and missed it.

CHAIR LUCE: I've been reminded myself of speaking during the Council meeting.

MR. FIKSDAL: It wasn't out loud.

CHAIR LUCE: Neither are mine. They're little whispers and sighs.

MR. FIKSDAL: We're staff. It doesn't matter. That's what we're supposed to do.

CHAIR LUCE: I won't go where they've gone, but I've learned the importance of there's no side bar, sorry. NPDES has been prepared. I think that what I would ask is that Council Members get comment's to Chuck on this if you haven't already between now and the end of the week, and that we –

MR. CARELLI: Thursday.

CHAIR LUCE: Thursday. That's absolutely correct. Allen, Thursday. A very important day is Thursday. It's Chuck's birthday. It's the day before Chuck's flex day which is almost as good as a birthday, so Friday is Chuck's –

MR. CARELLI: That way I can go take it home and work on it on Friday.

CHAIR LUCE: Right. Bad idea. So actually Thursday morning would be really good for Chuck because then he might be able to get out Thursday afternoon right around five o'clock instead of having to stay late.

MR. CARELLI: Concerning the NPDES rule, I do have quite an extensive set of comments from Chris Towne, and I will be working on them tonight and tomorrow getting them incorporated. So anybody that happens to give me comments tomorrow, I would certainly appreciate it. Thursday at the latest would work as well.

CHAIR LUCE: The next rule is the Need for Power rule. I've got comments from Chris, and I've got comments from Tony. I think I've talked to Dick about it briefly. Anybody else who has any comments I would love to have them between now and the end of the week. That would be very helpful.

MR. CARELLI: I believe you already have my comments.

CHAIR LUCE: Right. I have Chuck's comments as well. So that would be very helpful. I will explain why that would be really helpful here in just a minute. Not to keep anybody in suspense, but it's important we get these comments by the end of the week. Fees. I always leave money until the last. Fees. All right. Fees is 463-58. There's an amendment here which is in the blue sheet. It should be the green sheet. And it basically sets forth the fact that Council may determine the initial fee of 25,000 to be insufficient to adequately fund the study, and it goes on to say what happens in that event. Is that fair?

MR. FIKSDAL: Yes. This is one that kind of dropped out. We kind of forgot about it for a while. Ann and I worked on this and Irina, and we think it's sufficient now to go ahead and post on the website. I don't know if you want to take anymore time to review it or not. We did look at it probably three or four months ago, and it just kind of got superseded by other things.

CHAIR LUCE: I would recommend it be posted on the website as an administrative matter. We'll hear a comment I'm sure at some point in time during public comment sessions. Does Council want to take a look to refresh your memories?

MR. FIKSDAL: I don't think, Chris, you've had a chance to look at it.

MS. TOWNE: I have, and I just had one comment in 030(5) Line 4. I think it's "and" instead of "an".

MR. FIKSDAL: Which one? I'm sorry.

MS. TOWNE: 303(5), Line 4, big correction, "and estimate" to "an estimate".

MR. FIKSDAL: Oh, right. We will change that.

MS. TOWNE: And then I did have another question. The bar on the right margin indicating changes occurs several places where there doesn't appear to be any changes.

MR. FIKSDAL: There may have been some editing. I think there were some spaces or something that showed up there.

MS. TOWNE: Okay.

MR. FIKSDAL: It's Microsoft Word.

MR. CARELLI: If I could, I believe the bar on the right margin also pertains to the editing in the left column.

MR. FIKSDAL: That's correct too. The wonders of Microsoft Word.

CHAIR LUCE: With Council approval we will post that on the website at this time. So we have posted everything on the website except CO2 and the Need for Power, and I think that –

MR. CARELLI: And NPDES.

CHAIR LUCE: And NPDES. Excuse me. I think with the exception of those three we basically -- is that the entirety of our substantive rules?

MR. FIKSDAL: Well, more than our substantive rules, yes.

CHAIR LUCE: Right. We have procedural rules as well, and we appreciate you putting some of those together. It's very original and it's going very well.

MR. FIKSDAL: I think the nine or there were nine or ten standards we will complete that, and then there are like the fees and some other stuff.

CHAIR LUCE: The public meeting changes and a number of administrative changes. I also want to note the presence of the updated rule adoption schedule. I'm going to let Chuck do that. Go ahead, Chuck.

<i>Schedule</i>	<i>Chuck Carelli, Ecology</i>
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MR. CARELLI: We have copies in your packet of the revised rule document schedule that I put together, and I wanted to walk through a couple of –

MR. FIKSDAL: Excuse me, but there's a handout today.

MR. CARELLI: There is a handout today. It's not in the packet, and I believe there were possibly some additional copies if anybody else needs a copy or would like to have a copy to look at. Looking down the left-hand column, you will see number three that tomorrow or on Wednesday I guess we are suppose to start the small business economic impact statement. That may or may not actually commence tomorrow or this week. But a person is being hired to do that work, and as soon as that person is on board they will begin. It also indicates under number four that Allen is beginning the process putting together the SEPA determination, and it's proposing that at the end of the month, September 29, Allen would have made his initial SEPA determination on the project. We're proposing to hold two or three, and it will probably be two public meetings to allow public comment on the entirety of the rules package that we're putting out, both the substantive, as well as the procedural rules. And it's our intent to have this occur somewhere around the week of November 10, and it's very desirable that we do this before Thanksgiving. The schedule calls for completing an administrative draft of the small business

economic impact statement in number nine by around December 15 and having that finalized and issued sometime shortly after the first of the year, probably the first full week in January at a Council executive committee meeting is a possibility. Once we have gone through the initial public meetings, have taken comments, reviewed those comments, made necessary revisions to the rules package, and we have a SEPA determination and the small business economic impact statement in hand, we could move to the CR 102 stage which is filing our rules for adoption. The earliest date that could take place is on January 7, and the next alternative date for that to happen would be on January 21st. Hopefully we will get one of those two days, and in doing so we will have rules that barring unforeseen events during our formal public hearing and review process we would have rules that go into effect on or about June 19 of '04.

CHAIR LUCE: Thanks, Chuck. Any comments on the schedule, Council Members? Staff?

ITEM NO. 13: OTHER

CHAIR LUCE: The last item is the other. Under the other I'll announce the calling of a special meeting for next Monday. Special meeting will be accompanied together with the executive committee meeting. There will be at least three. I'm going to list three things on the special committee meeting, and that will include approval of -- do we need a special meeting to do this?

MR. FIKSDAL: It depends on what you're talking about?

CHAIR LUCE: Yes, we do. We're going to discuss at the executive committee meeting to begin with the CO2 rule and the NPDES rule and the Need for Power rule, and at the special meeting we will request approval from the Council to place on the website the CO2 rule and the NPDES rule and the Need for Power rule. And we will also at that time announce I think or we will signal an attempt to hold a public comment session in the not too distant future. Now that's nothing new that's on the schedule here, so that's the time frame for going forward. Comments from Council Members?

MR. IFIE: Question.

CHAIR LUCE: Question.

MR. IFIE: When is the next version of the CO2 going to be coming out? When is the next updated version?

CHAIR LUCE: Later this week.

MR. IFIE: So you want comments?

CHAIR LUCE: We've got your comments.

MR. IFIE: So by Friday we shall have the revised.

CHAIR LUCE: Yes.

MR. IFIE: Thank you.

CHAIR LUCE: I think that's reasonable. We've got comments from Chris. We've got comments from Tim, Chuck, myself. We've got your comments, and Dick says he can get them by Wednesday, so I think that's reasonable.

MR. IFIE: Who's working on the revision?

CHAIR LUCE: Well, it's a combination of Allen and Chuck when he has time and Tim when he has time.

MR. IFIE: Three people are working on it. I'm trying to figure out who to call in case I have questions directly.

CHAIR LUCE: I think you can call Tim. You don't want to call three people at the same time?

MR. FIKSDAL: Call me.

CHAIR LUCE: Call Allen.

MR. IFIE: Call Allen. Okay.

MR. FIKSDAL: Mr. Chair, for the special meeting next Monday there's a possibility that we may have ready for adoption there is changes to the expedited adoption, expedited rule adoption of some air rules. Irina has been working on these air rules for the Council to come in compliance -- not compliance, but come up to the same words as Department of Ecology. And if she has the time, she will have that ready for you to consider on Monday.

CHAIR LUCE: That's great. Put them on the agenda. If it doesn't happen, it doesn't happen. If there's anything else we anticipate we could take action on, putting them on the agenda doesn't mean it will happen. It means that we have the ability to make it happen.

MR. FIKSDAL: This expedited rule making is just adopting essentially what Ecology has already.

CHAIR LUCE: We've been working on this for quite a while. I understand. That's good. Anything else, Council Members? Anything else, staff?

MR. FIKSDAL: No.

ITEM NO. 14: ADJOURN

CHAIR LUCE: We stand adjourned.

(Whereupon, the meeting was adjourned at 2:24 p.m.)